IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4623 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHAVANBHAI HARJIBHAI & 1 - Petitioner(s)

Versus

VXL INIDA LTD. KNOWN AS BIRLA VXL LTD. - Respondent(s)

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Appearance :

MR TR MISHRA for Petitioner(s) : 1 - 2.
MR RD DAVE for Respondent(s) : 1,
MS PARUL P VASAVADA for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 10/02/2006

ORAL JUDGMENT

1. This petition is directed against order dated 22.12.2000 passed by the Labour Court, Jamnagar, whereby the Labour Court has rejected the applications and for a

direction to the Labour Court to determine the amount due and payable to the workmen.

2. The petitioners have filed various recovery applications before the Labour Court, Jamnagar, alleging that less amount of bonus was paid to them while calculating the bonus amount. The Labour Court rejected those applications by order dated 22.12.2000, which is challenged in the present petition.

3. Learned counsel for the petitioner submitted that the petitioners have not demanded any higher bonus or higher percentage of bonus, but since there is a mistake in calculating the correct amount of bonus, they have filed the applications and therefore the Labour Court ought to have entertained the same.

4. As a result of hearing and perusal of the record it is found that the Laobur Court has held that the dispute is already pending before the Industrial Tribunal and therefore the Labour Court has no jurisdiction to entertain such dispute. I am of the view that the conclusion of the Labour Court is just and proper and no interference is called for. If there is any dispute, it

is always open tot he petitioners to raise the same before the competent court. It is observed that if such a disputed is raised, the same will be heard and decided as expeditiously as possible.

5. Subject to the above observation, this petition is rejected. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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